

Remarks/Arguments

Claims 1-17 are pending in this application. Claims 13 and 17 are amended herein. Claims 1-17 are rejected in the Office Action of January 26, 2005.

Objection to the Specification under 37 CFR § 1.75(d)(1)

The specification is objected to under 37 CFR § 1.75(d)(1) as failing to provide proper antecedent basis for the subject matter of claim 17. In particular, the Examiner asserts that the limitation “removing, automatically, said program from a second list of programs representing purchased programs” in lines 6 and 7 lacks antecedent basis in the specification. This objection is deemed moot in view of the amendment herein to claim 17. In particular, claim 17 is amended herein to include:

“removing, in response to a user command, said program from a first list of programs representing programs scheduled for recording;
determining, in response to said user command, whether said program is also a purchased program;
enabling an on screen display including an option to cancel the purchase of said program if it is determined that said program is also a purchased program; and
removing said program from a second list of programs representing purchased programs responsive to user selection of said option.”

Accordingly, claim 17 is now in conformance with page 29, line 22 to page 30, line 7 of the specification, and Applicants respectfully request withdrawal of the objection to the specification.

Rejection of Claims 1-10 and 13-15 under 35 U.S.C. § 102(e)

Claims 1-10 and 13-15 are rejected under U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,850,218 issued to LaJoie et al. (“LaJoie et al. ‘218”). Applicants

respectfully traverse this rejection in view of the following arguments. In particular, LaJoie et al. '218 fails to teach, suggest, or otherwise disclose the following features:

“an on screen user option indicating that a user can both purchase and record the selected program, ***so that the user does not have to select one of purchase and record user options and then select the other user option to purchase and record the selected program***” (emphasis added - see independent claim 1),

“on screen user control option indicating that a user can both purchase and record a program, ***so that the user does not have to select one of purchase and record user control options and then select the other user control option to purchase and record said program***” (emphasis added – see independent claim 6), and

“receiving a selection of a displayed user option indicating that a user can both purchase and record the selected second program, ***so that the user does not have to select one of purchase and record user options and then select the other user option to purchase and record the selected second program***” (emphasis added – see independent claim 13).

As stated above, independent claims 1, 6 and 13 provide a user option that enables users to both purchase and record a selected program without having to separately select a purchase option, and a record option. An example of this user option is shown as element 940 in FIG. 9 of the instant application. LaJoie et al. '218 fails to teach, suggest or otherwise disclose the aforementioned feature.

On pages 3 and 4 of the instant Office action, the Examiner states:

“ . . . LaJoie discloses an on screen user option (See Figure 25, 496) indicating that a user can both purchase and record the selected program. In this case, the screen displays the message, 'You're attempting to Record a PPV Event,' ***and an option to purchase the event (“Buy” button)***. This message indicates to the user that they can both purchase and record the event simply by pressing the indicated button. Further, the user is able to use the one-touch recording feature (Col. 29, lines 33-39) in order to use a single key (Col. 29, Lines 5-10) to create a record timer ***and be prompted to purchase the event.*** In this fashion, the user does not

have to separately select purchasing and recording options for a program. This reads on the claimed user not having to select one of a purchase and record user option and then select the other option in order to record the selected program.” (emphasis added)

The foregoing statement is internally inconsistent for the following reasons. First, the Examiner admits that LaJoie et al. '218 requires a user to separately select an option to purchase a program *after selecting an option to record the program* (see bold language above). However, the Examiner then concludes that LaJoie et al. '218 does not require a user to separately select purchasing and recording options for a program (see underlined language above). Accordingly, these two positions are inconsistent.

Applicants further note that LaJoie et al. '218 clearly discloses a system in which the selection to record a program, and the selection to purchase the program require two separate and independent inputs by the user (see, for example, column 29, lines 33-58, and FIG. 25 of LaJoie et al. '218). That is, in all cases, LaJoie et al. '218 requires a user to make two separate independent selections in order to both record and purchase a program. In this manner, LaJoie et al. '218 suffers the same deficiencies as the prior art described by the Applicant on page 2, lines 13-22 of the specification. Accordingly, LaJoie et al. '218 fails to anticipate or render obvious claims 1-10 and 13-15.

Rejection of Claims 11-12 and 16-17 under 35 U.S.C. § 103(a)

Claims 11-12 and 16-17 are rejected under U.S.C. § 103(a) as being unpatentable over LaJoie et al. '218. Applicants respectfully traverse this rejection in view of the following arguments.

First, with respect to independent claim 11, Applicants point out that this claim includes:

“an on screen user option indicating that a user can both purchase and record said program, ***so that the user does not have to select one of purchase and record user options and then select the other user option to purchase and record the selected program***” (emphasis added)

As explained above with reference to claims 1-10 and 13-15, LaJoie et al. ‘218 fails to teach, suggest, or otherwise disclose this feature. Rather, LaJoie et al. ‘218 discloses a system in which the selection to record a program, and the selection to purchase the program require two separate and independent inputs by the user (see, for example, column 29, lines 33-58, and FIG. 25 of LaJoie et al. ‘218). Accordingly, claim 11 is deemed allowable over LaJoie et al. ‘218.

With respect to independent claims 12 and 16, Applicants point out that these claims include:

“control means, in response to said user removal of said program from said second list, automatically removes said program from said first list” (see claim 12), and

“removing, automatically, said second program from said first list if said second program appears on said first list” (see claim 16).

As indicated above, independent claim 12 defines an apparatus in which a program is automatically removed from a first list of programs selected for recording in response to user removal of the program from a second list of programs selected for purchase. Independent claim 16 defines similar subject matter in method format.

LaJoie et al. '218 fails to teach, suggest or otherwise disclose the subject matter of independent claims 12 and 16. While LaJoie et al. '218 does disclose that a user may cancel a pending purchase of a program (see column 22, lines 25-31), and may also cancel a scheduled recording of a program (see column 22, lines 52-56), it provides absolutely no teaching or suggestion that canceling the purchase of a program also cancels the recording of the program. In other words, LaJoie et al. '218 provides absolutely no teaching or suggestion that a user action for canceling a program purchase be coordinated with a program recording activity. Accordingly, LaJoie et al. '218 fails to render obvious claims 12 and 16.

With respect to independent claim 17, Applicants point out that this claim has been amended to include:

“removing, in response to a user command, said program from a first list of programs representing programs scheduled for recording;
determining, in response to said user command, whether said program is also a purchased program;
enabling an on screen display including an option to cancel the purchase of said program if it is determined that said program is also a purchased program; and
removing said program from a second list of programs representing purchased programs responsive to user selection of said option” (see claim 17).

As indicated above, independent claim 17 defines a method in which an on screen display option is provided so that a user is afforded an opportunity to cancel the purchase of a program in response to cancellation of the recording of the program. LaJoie et al. '218 fails to teach, suggest, or otherwise disclose this feature, and thereby fails to render obvious claim 17.

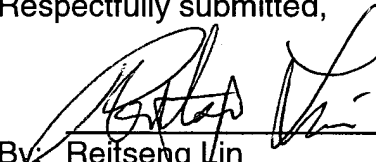
Conclusion

In view of the foregoing amendments and remarks, Applicant believes that this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Fee

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,


By: Reitseng Lin
Reg. No. 42,804
Phone (609) 734-6813

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08540
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CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to [Mail Stop Amendment], Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

April 25, 2005
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NDiamond